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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,654	11/18/2003	Koji Takekoshi	03500.017720.	2523

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
CHU, RANDOLPH I	

ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,654	TAKEKOSHI ET AL.	
	Examiner	Art Unit	
	RANDOLPH CHU	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,9-12,14 and 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-3, 5-6, 9-12, 14 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received on 7/28/2008, all requested changes to the claims have been entered.

Response to Argument

1. Applicant's arguments filed on 7/28/2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Csipkes et al. (US 6,188,402).

With respect to claim 1, Toshimitsu et al. teaches,

a monitor for displaying a medical image (Fig 2, ref. label 26);

an input device for inputting an image reading report corresponding to the medical image displayed on the monitor (Fig 2, ref. label 32);

Toshimitsu et al. does not teach a processor configured to process a control of judging presence or absence of the image reading report corresponding to the medical image displayed on said monitor and restricting a change of displaying the medical image, in case the image reading report is judged absent.

Csipkes et al. teaches that a assembler is automatically prevented from preceding to the next step in the absence of test result. (col. 5 lines 18-35).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to restricting change (waiting) of image when report of image is not done in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to make sure images are tested before proceeding to next image.

Therefore, it would have been obvious to combine Csipkes et al. with Toshimitsu et al. to obtain the invention as specified in claim 1.

With respect to claim 2, Csipkes et al. teaches judges presence or absence of the image reading report corresponding to the medical image displayed on the monitor when the medical image displayed on the monitor is changed (Display work instructions , graphics and warning corresponding to test result) (col. 5 lines 18-35).

With respect to claim 9, please refer to rejection for claim 1.

With respect to claim 10, please refer to rejection for claim 2.

3. Claims 3 and 12 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Csipkes et al. (US 6,188,402) and further view of Thirsk (US 2002/0099569).

With respect to claim 3, With respect to claim 5, Csipkes et al. and Toshimitsu et al. teach all the limitations of claim 1 as applied above from which claim 3 respectively depend.

Toshimitsu et al. and Csipkes et al. does not teach processor requests the input of an image reading report, in case the image reading report is judged absent by judging means.

Thirsk teaches requesting reveiw of an image reading report, in case the image reading report need by certain condition. [0034].

At the time of the invention it would have been obvious to a person of ordinary skill in the art to request reveiw of an image reading report, in case the image reading report need by certain condition in the system of Toshimitsu et al. and Csipkes et al.

The suggestion/motivation for doing so would have been that to make sure all images are completely diagnosed by request image reading report.

Therefore, it would have been obvious to combine Thirsk with Toshimitsu et al. and Csipkes et al. to obtain the invention as specified in claim 3.

With respect to claim 12, please refer to rejection for claim 3.

4. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569), Csipkes et al. (US 6,188,402) and Thirsk (US 2002/0099569) in further view of Taniguchi et al. (2003/0055317).

With respect to claim 5, Thirsk, Csipkes et al. and Toshimitsu et al. teach all the limitations of claim 3 as applied above from which claim 5 respectively depend.

Thirsk, Csipkes et al. and Toshimitsu et al. does not teach expressly that measures a time elapsing from the display of the medical image on the monitor and judges presence or absence of an image reading report corresponding to the displayed medical image when the measured time exceeds a predetermined time.

Taniguchi et al. teaches determining condition of displayed image based one time elapse and predetermined time (para. [0707]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining condition of displayed image based one time elapse and predetermined time in the system of Thirsk, Csipkes et al. and Toshimitsu et al.

The suggestion/motivation for doing so would have been that predetermined time can be set so that system can take next action.

Therefore, it would have been obvious to combine Taniguchi et al. with Thirsk, Csipkes et al. and Toshimitsu et al. to obtain the invention as specified in claim 5.

5. Claims 6, 15 and 18 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Csipkes et al. (US 6,188,402) and Jajubowski et al. (US 2004/0062421).

With respect to claim 6, Toshimitsu et al. teaches,

a monitor for displaying a medical image (Fig 2, ref. label 26);

an input device for inputting an image reading report corresponding to the medical image displayed on the monitor (Fig 2, ref. label 32);

Toshimitsu et al. does not teach a processor configured to process a control of judging presence or absence

of the image reading report corresponding to the displayed medical image and to input an image reading report which indicates absence of observation instead of an image reading report input by the input device, in case the image reading report is judged absent and the medical image displayed on the monitor is changed, or in case a predetermined time is elapsed.

Csipkes et al. teaches a conditional relation result that determine whether test result is absence or not (col. 5 lines 18-35).

Jajubowski et al. teach generating an report which is set a warning flag, in case a predetermined time is elapse (para [0051]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to generate image reading report, in case a predetermined time is elapse in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to generate default report when unexpectedly long time elapes which means no report from user.

Therefore, it would have been obvious to combine Csipkes et al. and Jajubowski et al. with Toshimitsu et al. to obtain the invention as specified in claim 6.

With respect to claim 15, please refer to rejection for claim 6.

With respect to claim 18, Toshimitsu et al. teaches the image reading report inputted by the inputting step includes a name of the reading doctor (col. 5 line 59).

6. Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Csipkes et al. (US 6,188,402) in further view of Taniguchi et al. (2003/0055317).

Thirsk and Csipkes et al. teach all the limitations of claim 3 as applied above from which claim 9 respectively depend.

Thirsk and Csipkes et al. does not teach expressly that measures a time elapsing from the display of the medical image on the monitor and judges presence or absence of an image reading report corresponding to the displayed medical image when the measured time exceeds a predetermined time.

Taniguchi et al. teaches determining condition of displayed image based one time elapse and predetermined time (para. [0707]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining condition of displayed image based one time elapse and predetermined time in the system of Thirsk and Csipkes et al.

The suggestion/motivation for doing so would have been that predetermined time can be set so that system can take next action.

Therefore, it would have been obvious to combine Taniguchi et al. with Thirsk and Csipkes et al. to obtain the invention as specified in claim 11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randolph Chu whose telephone number is 571-270-1145. The examiner can normally be reached on Monday to Thursday from 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RIC/

/Matthew C Bella/

Supervisory Patent Examiner, Art Unit 2624